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Hearing Date and Time:
October 14, 2015 at 9:45 a.m.

*Co-Lead Counsel in the MDL Proceeding for the
Ignition Switch Plaintiffs and Certain Non-Ignition
Switch Plaintiffs; and Counsel for the People of the
State of California, acting by and through Orange
County District Attorney Tony Rackauckas and the State
of Arizona*

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[Additional Counsel on Signature Page]

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE: : Chapter 11
: :
MOTORS LIQUIDATION COMPANY, *et al.*, : No. 09-50026 (REG)
f/k/a GENERAL MOTORS CORP., *et al.*, :
: (Jointly Administered)
Debtors. :
----- X

**MOTION PURSUANT TO 11 U.S.C. § 107(B) AND FED. R. BANKR.
P. 9018 FOR AN ORDER AUTHORIZING FILING UNDER SEAL THE
OPENING BRIEF ON IMPUTATION ISSUE ON BEHALF OF THE
IGNITION SWITCH PLAINTIFFS, THE NON-IGNITION SWITCH PLAINTIFFS,
THE STATE OF ARIZONA, THE PEOPLE OF THE STATE OF CALIFORNIA,
THE POST-CLOSING IGNITION SWITCH ACCIDENT PLAINTIFFS
AND THE ADAMS PLAINTIFFS, AND THE EXHIBITS THERETO**

The Ignition Switch Plaintiffs, certain Non-Ignition Switch Plaintiffs, the State of Arizona *ex. rel.* Mark Brnovich, the Attorney General, the People of the State of California, by and through Orange County District Attorney Tony Rackauckas, the Post-Closing Ignition Switch Accident Plaintiffs and the Adams Plaintiffs (collectively, “**Plaintiffs**”), hereby move this Court pursuant to Section 107(b) of Title 11 of the United States Code (as amended, the “**Bankruptcy Code**”) and Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) for an order authorizing filing under seal the *Opening Brief on Imputation Issues on Behalf of the Ignition Switch Plaintiffs, the Non-Ignition Switch Plaintiffs, the State of Arizona, the People of the State of California, the Post-Closing Ignition Switch Accident Plaintiffs and the Adams Plaintiffs* (the “**Imputation Brief**”) and the exhibits thereto (the “**Subject Materials**”) that Plaintiffs are filing today, September 18, 2015 (the “**Motion**”).¹

While, as set forth herein, Plaintiffs seek to file the Subject Materials under seal because they are required to do so under the Protective Order entered by Judge Furman in *In re General Motors LLC Ignition Switch Litigation*, 14-MD-2543 (JMF) (S.D.N.Y.) (the “**Ignition Switch MDL**”), in the event that any part of the Subject Materials remains under seal, Plaintiffs plan to file a redacted version of the Subject Materials that will appear on the Court’s public docket.

In support of this motion, Plaintiffs state as follows:

I. BACKGROUND

1. Under ¶ 2 of this Court’s *Scheduling Order Regarding Case Management Order Re: No-Strike, No Stay, Objection and GUC Trust Asset Pleading* dated September 3, 2015 [ECF No. 13416], Plaintiffs are filing their Imputation Brief today, September 18, 2015.

¹ Capitalized terms not otherwise defined herein shall have the meaning set forth in the Imputation Brief.

2. In support of their arguments in the Imputation Brief, Plaintiffs quote and attach excerpts from the depositions of certain current and former New GM employees that have been designated as “Confidential” or “Highly Confidential” pursuant to the Protective Order (attached hereto as Exhibit B) entered by Judge Furman in the Ignition Switch MDL on September 10, 2014 (the “**MDL Protective Order**”).

II. RELIEF REQUESTED

3. By this motion, Plaintiffs seek entry of an order, in the form attached hereto as Exhibit A, authorizing them to file the Subject Materials under seal in accordance with section 107(b) of the Bankruptcy Code and directing that the Subject Materials shall remain under seal and confidential pending further order of the Court. As discussed herein, in the event that a further order directing the unsealing of the Subject Materials is not issued, Plaintiffs intend to promptly file a redacted version of the Subject Materials on the Court’s public docket.

III. BASIS FOR RELIEF

4. Plaintiffs seek to initially file the Subject Materials under seal because they include quotations to and excerpts from discovery that was designated as “Confidential” or “Highly Confidential” in the Ignition Switch MDL pursuant to the MDL Protective Order.

5. The MDL Protective Order states, in relevant part, that “[a]ny Party wishing to file a document or paper containing Confidential or Highly Confidential Information may request by motion that such Information be filed under seal.”

6. While Plaintiffs do not believe that any of the information in the Subject Materials should be considered either “Confidential” or “Highly Confidential,” under the Protective Order Plaintiffs are required to initially file the Subject Materials under seal.

7. Accordingly, Plaintiffs request an order permitting them to file an unredacted version of the Subject Materials under seal, and a redacted version of the Subject Materials on the Court's public docket.

8. Pursuant to Section 107(b) of the Bankruptcy Code, the Court may authorize Plaintiffs to file the Subject Materials under seal. Section 107(b) states in relevant part:

On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may—

(1) protect an entity with respect to a trade secret or confidential research, development or commercial information; . . .

11 U.S.C. § 107(b).

9. Bankruptcy Rule 9018 sets forth the procedure by which a party in interest may obtain a protective order authorizing the filing of a document under seal. Bankruptcy Rule 9018 states in relevant part:

On motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or entity in respect of a trade secret or confidential research, development, or commercial information . . .

Fed. R. Bankr. P. 9018.

IV. NOTICE

10. Notice of this Motion has been provided in accordance with the *Sixth Amended Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 1015(c) and 9007 Establishing Notice and Case Management Procedures*, dated May 5, 2011 [ECF No. 10183]. Plaintiffs respectfully submit that no further notice need be provided.

V. NO PRIOR REQUEST

11. No prior application for the relief requested herein has been made to this or any other court.

WHEREFORE, Plaintiffs respectfully request entry of an order, in the form attached hereto as Exhibit A, authorizing Plaintiffs to file an unredacted version of the Subject Materials under seal, limiting the parties who have access to this document,² authorizing Plaintiffs to file a redacted version on the Court's public docket, and granting such other and further relief as the Court deems appropriate.

Dated: September 18, 2015

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² Plaintiffs will of course provide an unredacted version of the Subject Materials to counsel for New GM.

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*Counsel for Post-Closing Accident Switch Plaintiffs
and the Adams Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2015, I caused the foregoing to be filed and served upon all parties receiving notice via the Court's ECF system.

Dated: September 18, 2015

/s/ Steve W. Berman
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